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POSZ & BETHARDS, PLC  
11250 ROGER BACON DRIVE  
SUITE 10  
RESTON VA 20190

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**OFFICE OF PETITIONS**

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|----------------------------|---|
| In re Application of       | : |
| Minekazu Sakai             | : |
| Application No. 10/616,205 | : |
| Filed: July 10, 2003       | : |
| Attorney Docket No. 01-446 | : |
| Title: CAPACITIVE DYNAMIC  | : |
| QUANTITY SENSOR            | : |

This is a decision on the "petition requesting grant of filing date," filed October 23, 2003, which is properly treated as a petition under 37 C.F.R. §1.53(e), requesting the application, including Four sheets of drawings<sup>1</sup> be accorded a filing date of July 10, 2003 as part of the original disclosure.

The application was deposited on July 10, 2003. However, on October 7, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application - Filing Date Not Granted" (Notice), stating that the application appeared to have been deposited without drawings, and that a filing date would be accorded upon the filing of drawings.

In response, on October 23, 2003, applicants filed the present petition. The petition is further accompanied by the petition fee, a copy of four (4) sheets of drawing, and a copy of applicants' postcard receipt acknowledging receipt of "4 sheets of formal drawings" in the United States Patent and Trademark Office (Office) on July 10, 2003. Applicants request that the application, including four (4) sheets of drawings be accorded a filing date July 10, 2003.

<sup>1</sup> Figures 1A through 4B (One A through Four B).

Upon review of the record, the above-mentioned drawing sheets have not been located among the application papers. However, the evidence is convincing that the application papers deposited on July 10, 2003 included four (4) sheets of drawings, and the drawing sheets containing Figures 1A through 4B (One A through Four B) were subsequently misplaced in the Office.

Therefore, the application, including four (4) sheets of drawings, was complete on filing and entitled to a filing date of July 10, 2003, as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed October 7, 2003, was sent in error. Therefore, no petition fee is necessary. The petition fee of \$130 will be refunded to petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 10, 2003, using the original application papers filed on that date, as well four (4) sheets of drawings, submitted with the instant petition.

Any inquiries related to this decision should be directed to Attorney Paul Shanoski at (703) 305-0011.

*C. T. Donnell for*

Jay Lucas  
Interim Supervisory Petitions Examiner  
Office of Petitions  
United States Patent and Trademark Office